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F.# 2014R01930.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

EDWIN CORTEZ,

Defendant.

S U P E R S E D I N G  
I N D I C T M E N T

Cr. No. 14-660 (S-1) (DLI)  
(T. 18, U.S.C., §§ 2251(d)(1)(A), 2251(e)  
2252(a)(2), 2252(a)(4)(B), 2252(b)(1),  
2252(b)(2), 2253(a) and 3551 et seq.; T.  
21, U.S.C., § 853(p))

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THE GRAND JURY CHARGES:

COUNT ONE  
(Advertising Child Pornography)

1. On or about June 1, 2014, within the Eastern District of New York and elsewhere, the defendant EDWIN CORTEZ did knowingly and intentionally make, print and publish and cause to be made, printed and published, a notice and advertisement seeking and offering to receive, exchange and buy any visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct, and the defendant knew and had reason to know that such notice and advertisement would be transported using a means and facility of interstate and foreign commerce, and would be transported in and affecting interstate and foreign commerce by any means including by computer, and such notice and advertisement was transported using a means and facility of

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OF NEW YORK

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interstate and foreign commerce and in and affecting interstate and foreign commerce by any means including by computer.

(Title 18, United States Code, Sections 2251(d)(1)(A), 2251(e) and 3551 et seq.)

COUNTS TWO THROUGH FIVE  
(Distribution of Child Pornography)

2. On or about October 25, 2014, within the Eastern District of New York and elsewhere, the defendant EDWIN CORTEZ did knowingly and intentionally distribute visual depictions, to wit: the videos depicted in the following computer files:

<u>COUNT</u>	<u>FILE NAME</u>
TWO	“EdwinC VID-Mayo 2014 9yo NEW.3GP”
THREE	“!!!!!!!!!chu – incredible.mp4”
FOUR	“- (sdpa) gay Mikael 9 anos cojido profundamente por un adulto(2)(2)(1).avi.downloading”
FIVE	“! 0 aa 5yo JASON & 7yo JOSH(1).2.mpeg”

using a means and facility of interstate and foreign commerce, and which visual depictions had been mailed, and shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT SIX  
(Possession of Child Pornography)

3. On or about November 25, 2014, within the Eastern District of New York, the defendant EDWIN CORTEZ did knowingly and intentionally possess matter containing one or more visual depictions, to wit: images and videos contained in digital files stored on a Toshiba 500GB external hard drive, serial number 5316T5MFTWD6, which visual depictions had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors, who were prepubescent and had not attained 12 years of age, engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE THROUGH SIX

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts One through Six, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a) of (1) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18, United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses of conviction; and

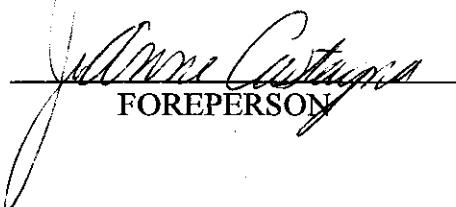
(3) any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses of conviction, or any property traceable to such property, including, but not limited to, one Samsung laptop computer, serial number RV515, and one Toshiba 500GB external hard drive, serial number 5316T5MFTWD6, seized from the defendant on or about November 25, 2014.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
  - a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2253(a); Title 21, United States Code, Section 853(p))

A TRUE BILL



Julianne Castagna  
\_\_\_\_\_  
FOREPERSON

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LORETTA E. LYNCH  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

BY:   
P. B. G. Lynch  
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. 0.136

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

— *against* —

*EDWIN CORTEZ,*

Defendant.

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**SUPERSEDING INDICTMENT**

(T. 18, U.S.C., §§ 2251(d)(1)(A), 2251(e), 2252(a)(2), 2252(a)(4)(B), 2252(b)(1),  
2252(b)(2), 2253(a) and 3551 *et seq.*; T. 21, U.S.C., § 853(p))

*A true bill.*

*Anne Castagna* -----  
Foreman

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Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_

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Clerk

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Bail, \$ \_\_\_\_\_

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*Karen L. Koniuszy, Assistant U.S. Attorney (718-254-6072)*